

R E M A R K S

By the above amendments the independent claim of the application has been amended to more clearly require that the first and second rod members be of different lengths, i.e. a first rod member extending about 8 to 12 inches and the second rod member extending about 15 to 20 inches in the same direction as the first rod member.

This amendment is believed to moot all of the prior art rejections as explained further below.

1. Claims 1 and 3 were rejected under 35 USC 102(e) as being anticipated by Retel (US 6,422,982), the Examiner asserting element 23 of Fig 1 extended about 8 to 12 inches and that element 24 of Fig. 1 extended about 15 to 20 inches in the same direction.

This rejection is traversed because the Retel device is not useful for joint mobilization as alleged in the rejection. Rather, Retel discloses a structure which is a chiropractic and exercising device which is designed to allow a person to hang upside down, stretching the skeletal system in the neck, back and hips. See Col. 2 and elsewhere.

This rejection is further traversed because elements 23 and 24 of Retel MUST be of EQUAL length or else the disclosed structure could not stand up or function as described. This is confirmed by the disclosures at column 4 that each of step-up bar 23 and hang-bar 24 are preferably made of a 25 3/4" long x 1 1/2" diameter steel, aluminum, or metal strength plastic tube pipe.

In the absence of any specific disclosure of bars of different lengths, the rejection under 35 USC 102(e) can not stand. And since there is no suggestion that elements 23 and 24 should be of different lengths, no rejection under 35 USC 103

would be appropriate based on Retel.

2. Claims 1-3 were rejected under 35 USC 102(b) as being anticipated by Toups (US 5,921,904), the Examiner asserting that element 22 of Figs. 2-3 extended about 8 to 12 inches and that element 11 of Figs. 2-3 extended about 15 to 20 inches in the same direction.

This rejection is traversed because the Toups device is not useful for joint mobilization as alleged in the rejection. Rather, Toups discloses a portable exercise device in which element 22 is a hand-bar, which in combination with second hand-bar 43, cylinder 11, and rubber band 19, are designed to allow a person to move the two hand-bars toward and away from each other so as to provide inclimetric resistance for the arms. There is no suggestion of a system having anything to do with the pelvic area.

This rejection is further traversed because elements 22 and 11 of Toups MUST be of EQUAL length or else the disclosed structure could not function as described.

In the absence of any specific disclosure of bars of different lengths, the rejection under 35 USC 102(b) can not stand. And since there is no suggestion that elements 22 and 11 should be of different lengths, no rejection under 35 USC 103 would be appropriate based on Toups.

3. Claims 1-3 were rejected under 35 USC 102(b) as being anticipated by Sayman (US 5,669,862), the Examiner asserting that element 13 of Fig. 1 extends about 8 to 12 inches and that element 14 of Fig. 1 extends about 15 to 20 inches in the same direction.

This rejection is traversed because the Sayman device is not useful for joint mobilization as alleged in the rejection. Rather, Sayman discloses a portable

exercise device in which elements 13 and 14 are movable with respect to each other because of biasing means 10 located on element 14. It is through movement of elements 13 and 15 with respect to one another that the exercise device is capable of functioning as such. The biasing means 10 is described as a coiled torsion spring, a coiled compression spring or a rubber block. The exercise device is designed for use to strengthen arms or legs. There is no suggestion of a system having anything to do with the pelvic area. Each of elements 13, 14, and 15 are described as having 2 ends so that a uniform form can be generated on both arms or legs simultaneously. There is no disclosure or suggestion of a device useful on only one side of a body.

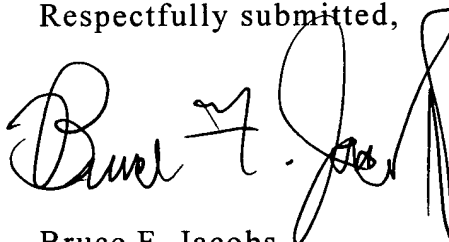
This rejection is further traversed because each of elements 13, 14, and 15 of Sayman MUST be of EQUAL length or else the disclosed structure could not function as described.

In the absence of any specific disclosure of bars of different lengths, the rejection under 35 USC 102(b) can not stand. And since there is no suggestion that elements 13 and 14 should be of different lengths, no rejection under 35 USC 103 would be appropriate based on Sayman.

Summary:

In view of the above amendment and arguments, an early notice of allowance is requested for claims 1-3.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce F. Jacobs", with a large, stylized flourish extending from the end of the signature.

Bruce F. Jacobs

Reg. No. 26,184

BFJ/cm